

EXHIBIT JJ

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: PROCESSED EGG PRODUCTS)
ANTITRUST LITIGATION:)

THIS DOCUMENT APPLIES)
TO ALL ACTIONS)

Civil Action No. 08-md-02002

DECLARATION

I, David Fikes, hereby declare and state as follows:

1. I am employed by the Food Marketing Institute as Vice President, Consumer/Community Affairs and Communications. The following is based on my personal knowledge and if called as a witness, I could and would competently testify thereto.
2. This Declaration is made in response to a request for information supplementing the deposition of Dr. Jill Hollingsworth pursuant to Federal Rule of Civil Procedure 30(b)(6).
3. The attached copy of the May 2013 Evaluation of Animal Welfare Guidelines performed by the Food Marketing Institute's Animal Welfare Advisory Committee is a true and correct copy of said document and said document is maintained electronically by FMI in the normal course of business and is available on FMI's website.
4. The May 2013 report accurately reflects the conclusions of the Food Marketing Institute's Animal Welfare Advisory Committee.

5. The Committee reviewed the most current versions at that time of all the commodity group animal welfare guidelines. The United Egg Producers provided the United Egg Producers Animal Husbandry Guidelines 2010 Edition for review. The purpose of the review was to bring the Committee's review up to date and to provide retailers with more information about the components included in the commodity group guidelines.

6. The Committee evaluated all the commodity group animal welfare guidelines to see if they addressed the specific elements deemed essential to successful implementation of an animal welfare program. It then created the grid in the attached report demonstrating the elements present or not present in each commodity's recommended guidelines, including the United Egg Producers guidelines, so that FMI members would have the necessary information to evaluate each guideline.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this ^{30th} day of June, 2014 in Arlington, Virginia.

Gerald David Fiker

Food Marketing Institute

Evaluation of Animal Welfare Guidelines

The following evaluation of the animal welfare guidelines established by various meat and poultry commodity associations was performed by the Food Marketing Institute's Animal Welfare Advisory Committee. This committee is comprised of animal scientists and veterinarians from the fields of academia and veterinary medicine.

Key:

Checkmark (x): element is present in the commodity's recommended guidelines

Box left blank: element is not found in the commodity's recommended guidelines

N/A: element is "not applicable" to the particular commodity

5/13/2013

Food Marketing Institute Animal Welfare Guideline Evaluation

Practice	Commodity Group									
	American Meat Institute	Milk & Dairy Beef	The Pork Board	National Chicken Council	National Cattlemen's Beef Association	National Turkey Federation	American Sheep Industry Association	American Veal Association	United Egg Producers	
Guideline development process										
Guidelines reflect transparent decision - making process	X	X	X	X	X	X				X
Guidelines reflect broad based input	X		X	X	X		X			X
Scheduled review and revision mechanism	X			X		X				X
Guideline elements										
Handling methods	X	X	X	X	X	X	X			X
Husbandry procedures ¹	X	X	X	X	X	X	X	X		X
Environmental considerations ²	X	X	X	X	X	X	X	X		X
Health program based on veterinary guidance	X	X	X	X	X	X	X	X		
Behavioral management ³	X			X			X			X

May 2013

Food Marketing Institute Animal Welfare Guideline Evaluation

	American Meat Institute	Milk & Dairy Beef	The Pork Board	National Chicken Council	National Cattlemen's Beef Association	National Turkey Federation	American Sheep Industry Association	American Veal Association	United Egg Producers
Facility/equipment maintenance & design	X	X	X	X	X	X			X
Emergency preparedness ⁴	X	X	X	X	X			X	
Transportation procedures	X	X	X	X	X	X	X	X	N/A
Slaughter procedures	X	N/A		X		X	N/A		N/A
Euthanasia	X	X	X	X	X	X	X		X
Inspection procedures and rate of inspection	X	X	X	X	X	X			X
Elements of training Programs	X	X	X	X	X	X	X		X
Documentation and assessment of training	X	X	X	X	X	X	X		
Biosecurity of premises ⁵			X	X	X	X		X	X
Record keeping requirements ⁶	X	X	X	X	X	X	X		X
Special agricultural practices ⁷	X	X		N/A		X			X

May 2013

Food Marketing Institute Animal Welfare Guideline Evaluation

	American Meat Institute	Milk & Dairy Beef	The Pork Board	National Chicken Council	National Cattlemen's Beef Association	National Turkey Federation	American Sheep Industry Association	American Veal Association	United Egg Producers
Guideline Implementation									
Auditable guidelines or self-assessment (with performance outcomes or design criteria)	X		X	X	X	X			X
Audit or self-evaluation mechanism									X

May 2013

Food Marketing Institute Animal Welfare Guideline Evaluation

Footnotes

¹Food water, space allocation, bedding condition, etc., as applicable

²Ventilation, air quality, temperature

³Includes identifying and minimizing behavioral problems and/or opportunities to minimize

⁴Power outages, weather emergencies, fire

⁵Standards established to control/mitigate potential of diseases brought onto farm

⁶Includes minimum required data to assure compliance with the guidelines

⁷Management procedures that could cause pain or distress (ex: castration, dehorning, beak-trimming, molting)

May 2013

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